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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**BRANDON SALUS, ALAN FELIX
IPANAQUE CORDOVA, and BRANDON
RUCKDASHEL on behalf of themselves and
others similarly situated,**

Index No. 07cv03142-GBD-DCF

Plaintiffs,

v.

**TSE GROUP LLC d/b/a B.B. KING BLUES
CLUB AND GRILL and TSION
BENSUSAN**

Defendants.

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**PLAINTIFFS' MOTION FOR CONDITIONAL COLLECTIVE
CERTIFICATION, COURT FACILITATION OF NOTICE PURSUANT TO 29
U.S.C. § 216(b) AND A PROTECTIVE ORDER**

Plaintiffs, on behalf of themselves and all others similarly situated, by his undersigned attorneys, hereby move for the following relief in this Fair Labor Standards Act collective action, upon the accompanying Memorandum of Law and annexed materials:

- (1) Conditional certification of this action as a representative collective action pursuant to the FLSA, 29 U.S.C. § 216(b) on behalf of all servers employed by Defendants within the last three years ("Covered Employees").
- (2) Court facilitated notice (Exhibit A) of this FLSA action to the Covered Employees that includes language correcting Defendants' misrepresentations to potential plaintiffs and a consent form (opt-in form) as authorized by the FLSA (Exhibit B).
- (3) Production of names, last known mailing addresses, alternate addresses, telephone numbers, Social Security numbers, work locations, and dates of employment of all Covered Employees.
- (4) Posting of the Notice, along with the consent forms, in a place where putative plaintiffs are likely to view it.

(5) A protective order prohibiting Defendants from further communications with putative plaintiffs pertaining to matters covered by this lawsuit.

Dated: New York, New York
June 26, 2007

Respectfully submitted,
JOSEPH & HERZFELD LLP

By: /s/ D. Maimon Kirschenbaum
D. Maimon Kirschenbaum (DK-2338)

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UNITED STATES DISTRICT COURT
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-----X
ORDER

AND NOW, this _____ day of _____, 2007, upon consideration of Plaintiff's Motion for Conditional Collective Certification Pursuant to 29 U.S.C. § 216(b), and Defendants' response thereto, if any, it is hereby ORDERED, that Plaintiff's Motion is GRANTED.

Judge George B. Daniels